REMARKS

Claims 1-40 are currently pending. Applicant notes that the references relied upon by the Examiner, Anonychuk (U.S. Patent No. Re. 37,150) and Gruber (U.S. Patent No. 6,413,290), were not listed on the Notice of References Cited. Applicant respectfully requests that these references be listed on a Notice of references Cited form.

The Examiner objected to the abstract for including legal phraseology. Specifically, the abstract included "comprising." Applicant has amended the abstract to replace the word "comprising."

The Examiner rejected claims 1-40 under 35 U.S.C. §103(a) as being unpatentable over Anonychuk (U.S. Patent No. Re. 37,150) in view of Gruber (U.S. Patent No. 6,413,290).

Claim 1 defines a filter device for an engine and operable to support a filter element. The filter device includes a housing that defines a filter receiving space that has a first end and a second end. The first end and second end define an axial length therebetween. A biasing element is integrally-formed as one piece with the housing and is disposed adjacent the first end.

Anonychuk does not teach or suggest, among other things, a filter device for an engine that includes a housing that defines a filter receiving space and includes a biasing element integrally-formed as one piece with the housing. Rather, Anonychuk discloses a fresh air filter for a vehicle. The filter includes a generally circular bottom base unit 12 that includes a perimeter mounting portion. The perimeter mounting portion includes two lips 64, 66 that retain the filter in an air conduit. The air filter 16 attaches to the base unit 12 using a plurality of fasteners. There is no mention of a biasing member, much less a biasing member that is integrally-formed as one piece with the housing.

Gruber does not cure the deficiencies of Anonychuk. Gruber does not teach or suggest, among other things, a filter device for an engine that includes a housing the defines a filter receiving space and includes a biasing element integrally-formed as one piece with the housing. Rather, Gruber discloses a filter cartridge that includes a cylindrical inner wall and a cylindrical outer wall. The inner and outer walls are spaced apart from one another to define an annular space. A filter medium is disposed within the annular space. First and second covers are located at opposite axial ends of the filter cartridge and serve to seal the annular space. A biasing assembly is disposed at one axial end of the filter cartridge for applying a compressive force to the filter medium. Gruber also discloses aluminum spinnings 10, 12 that connect to the filter cartridge to form an outer shell. The Examiner argues that these spinnings 10, 12 define first and second ends of a housing and cooperate to define a filter receiving space. However, the spinnings do not include biasing members.

Gruber teaches the desirability of forming the biasing members as part of the filter cartridge, rather than as part of the filter housing as recited in claim 1. For example, Gruber states "[a] first biasing assembly is located at a first axial end of the filter cartridge. . . ." *Col. 2, lines 53-54.* Gruber also states "a compression pad 40 is located at one axial end of the filter cartridge. Optionally, a second compression pad (not shown) may be disposed at the opposite axial end of the filter cartridge." *Col. 5, lines 7-10.* Gruber clearly teaches the desirability of positioning biasing members as part of the filter cartridge.

Thus, if one of ordinary skill in the art did combine the teachings of Gruber with those of Anonychuk, one would not arrive at the invention recited in claim 1. Rather, the resultant device would include a filter cartridge that includes a biasing member. There would be no biasing member integrally-formed as one piece with the housing, as recited in claim 1.

In light of the foregoing, Anonychuk and Gruber, alone or in combination, do not teach or suggest each and every limitation of claim 1. As such, claim 1 is allowable. In addition, claims 2-15 depend from claim 1 and are allowable for these and other reasons.

Claim 16 defines an air cleaner assembly for an engine. The assembly includes a base that has a filter support and a base engagement portion. A filter element defines a longitudinal direction and a cover includes an integrally-formed biasing element and a cover engagement portion. The base engagement portion is interconnected with the cover engagement portion to position the biasing member adjacent the filter element to bias the filter element in the longitudinal direction.

Anonychuk does not teach or suggest, among other things, an air cleaner assembly that includes a cover that has an integrally formed biasing element and a cover engagement portion that is interconnected with a base engagement portion to position the biasing member adjacent the filter element to bias the filter element in the longitudinal direction. As discussed with regard to claim 1, Anonychuk makes no mention of a biasing member, much less a biasing member integrally-formed as part of the cover. In addition, Anonychuk discloses a housing that includes a shield 30 and a plate 56 attached to the shield 30. However, the plate 56 is not positioned adjacent the filter element. In fact, the filter element of Anonychuk simply sits on top of the shield 30 and is not biased in any direction.

Gruber does not cure the deficiencies of Anonychuk. As discussed with regard to claim 1, Gruber does not teach or suggest a cover that has an integrally-formed biasing member. Rather, Gruber teaches a filter that includes a biasing member within the filter cartridge and not integrally-formed as part of a housing. As argued by the Examiner, Gruber discloses a housing that includes spinnings 10 and 12 that cooperate to define a housing.

However, neither of these components include a biasing member, nor do they include engagement portions that allow the spinning 10 to be interconnected with the spinning 12.

In light of the foregoing, Anonychuk and Gruber, alone or in combination, do not teach or suggest each and every limitation of claim 16. As such, claim 16 is allowable. In addition, claims 17-27 depend from claim 16 and are allowable for these and other reasons.

Claim 28 defines a cover for use with an engine filter base and a filter element. The cover includes a shell, a biasing element integrally-formed as one piece with the shell, and an attachment portion connected to the shell and adapted to be interconnected to the filter base such that the filter element is sandwiched between the biasing element and the filter base.

As discussed with regard to claim 1 and claim 16, Anonychuk does not teach or suggest, among other things, a cover that includes a shell and a biasing element integrally-formed as one piece with the shell and an attachment portion connected to the shell and adapted to connect to the filter base such that the filter element is sandwiched between the biasing element and the filter base. Rather, Anonychuk discloses a filter that does not include a biasing member, much less a biasing member that is integrally-formed as part of a shell. In addition, Anonychuk teaches a filter that simply sits on a base and is not sandwiched between any two components.

Gruber does not cure the deficiencies of Anonychuk. As discussed with regard to claims 1 and 16, Gruber teaches a filter system that includes a biasing member that is formed as part of the filter cartridge and not the filter housing. In addition, as argued by the Examiner, Gruber teaches the use of two spinnings 10, 12 that together define a housing. However, neither of the spinnings 10, 12 includes an attachment portion that allows the spinnings 10, 12 to be connected to one another such that the filter cartridge is sandwiched therebetween.

In light of the foregoing, Anonychuk and Gruber, alone or in combination, do not teach or suggest each and every limitation of claim 28. As such, claim 28 is allowable. In addition, claims 29-40 depend from claim 28 and are allowable for these and other reasons.

CONCLUSION

In light of the foregoing, Applicant respectfully submits that claims 1-40 are allowable.

The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

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